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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,246	12/17/2001	Carl Phillip Gusler	AUS920010967US1	6307
46033	7590	02/03/2005	EXAMINER	
IBM CORPORATION INTELLECTUAL PROPERTY LAW DEPT 11400 BURNET ROAD AUSTIN, TX 78758			RIVERO, MINERVA	
			ART UNIT	PAPER NUMBER
			2655	

DATE MAILED: 02/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/015,246

Applicant(s)

GUSLER ET AL.

Examiner

Minerva Rivero

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/17/2005.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hambleton *et al.* (US Patent 6,178,404), in view of Bae (US Patent 6,801,619).

3. Regarding claim 1, Hambleton *et al.* disclose a method for handling information used in customer service, said method comprising:

capturing a customer's speech (Col. 7, Lines 51-55);

recognizing a key word in said customer's speech (*correlating terms*, Col. 7, Lines 42-44);

based on said key word, searching a database (*matching caller entry against a database*, Col. 8, Lines 48-50 and 60-65);

retrieving information from said database (*accessing the associated offering*, Col. 8, Lines 62-65).

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However, Hambleton *et al.* do not disclose but Bae does disclose wherein said retrieving is completed during a conversation involving said customer and a customer service representative (*customer and operator can collaborate*, Col. 1, Lines 45-53).

Therefore it would have been obvious to one ordinarily skilled in the art at the time of the invention to supplement the teachings of Hambleton *et al.* by having said information retrieving completed during a conversation involving said customer and a customer service representative, as taught by Bae, in order to have a more natural and familiar interface, which may aid by creating a more comfortable environment to customers.

4. Regarding claims 6, 12 and 18, Hambleton *et al.* suggest a method, system and computer-readable medium for

performing speech recognition on speech input to generate a text equivalent (*user interface output may be textual*, Col. 3, Lines 8-10) and

parsing said text to identify a key word (*matching phrases*, Col. 3, Lines 25-29) and

searching for an occurrence of a key word in a database (*matching phrases*, Col. 3, Lines 25-29; *calculating offerings in the database*, Col. 8, Lines 48-50).

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However, Hambleton *et al.* do not disclose but Bae does disclose retrieving information from the database during a conversation involving the customer and a customer service representative (*components are directed to operator simultaneously*, Col. 1, Lines 45-53).

Therefore it would have been obvious to one ordinarily skilled in the art at the time of the invention to supplement the teachings of Hambleton *et al.* by retrieving information from the database during a conversation involving the customer and a customer service representative, as taught by Bae, so that the customer service representative can be more thoroughly and concurrently informed of the particular customer's needs.

5. Regarding claims 2, 8, 14 and 20, Hambleton *et al.* do not disclose but Bae further discloses providing said retrieved information to a customer service representative (*components are directed to operator simultaneously*, Col. 1, Lines 45-53).

Therefore it would have been obvious to one ordinarily skilled in the art at the time of the invention to supplement the teachings of Hambleton *et al.* by providing the retrieved information to a customer service representative, as taught by Bae, so that the customer service representative can be more thoroughly informed of the particular customer's needs.

6. Regarding claims 3, 9, 15 and 21, Hambleton *et al.* further disclose initiating action, based on key word, to solve a problem affecting said customer (*transaction is executed based on term spoken by user*, Col. 7, Line 66 - Col. 8, Line 4).

7. Regarding claims 4, 10, 16 and 22, the teachings of Hambleton *et al.* do not disclose but Bae does disclose the further step of routing a telephone call (see Abstract, Lines 18-19).

Therefore it would have been obvious to one ordinarily skilled in the art at the time of the invention to supplement the teachings of Hambleton *et al.* by adding the further step of routing a telephone call, as taught by Bae, in order to effectively route the customer's call to the appropriate customer service representative.

8. Regarding claims 5, 11, 17 and 23, Hambleton *et al.* do not disclose but Bae discloses said database contains:

customer name and address elements (*personal information*, Col. 6, Lines 34-37);

telephone call-routing elements (see Abstract, Lines 18-19) and

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advisory bulletin elements (*news and information previously requested*, Col. 8, Lines 14-19).

Therefore it would have been obvious to one ordinarily skilled in the art at the invention to supplement the teachings of Hambleton *et al.* with having the database contain customer name and address elements, telephone call-routing elements and advisory bulletin elements, as taught by Bae, in order to identify the customer and based on such information enhance customer services (e.g. by always routing the customer to the same customer service representative rapport is developed, this increases the level of comfort and confidence of the customer, as taught by Bae (Col. 2, Lines 6-9 and 15-17), enable the transference of the call to the appropriate call operator, as taught by Bae (Col. 1, Lines 49-53) and in order to keep the customer interested during idle time, as further taught by Bae (Col. 8, Lines 13-19).

9. Regarding claims 7, 13 and 19, Hambleton *et al.* further disclose the speech input is derived from a telephone conversation (Col. 3, Lines 4-10).

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sonesh *et al.* (US Patent 6,046,762) disclose a telecommunication system with caller identification and agent matching.

Schaefer *et al.* (US Patent 6,640,210) disclose a speech recognition based customer service center.


11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minerva Rivero whose telephone number is (703) 605-4377. The examiner can normally be reached on Monday-Friday 9:00 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Talivaldis Ivars Smits can be reached on (703) 305-9508. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MR 1/26/2005



DAVID L. OMETZ
PRIMARY EXAMINER